



MAY 01 2003

TECH CENTER 1600/2900

16128  
#17

<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	<i>Application Number</i>	09/725,957
	<i>Filing Date</i>	30 November 2000
	<i>First Named Inventor</i>	Linda J. HARRIS
	<i>Group Art Unit</i>	1638
	<i>Examiner Name</i>	D.H. Kruse
	<i>Attorney Docket Number</i>	2315-115
<b>Title of the Invention: TOLERANCE OF TRICHOTHECENE MYCOTOXINS IN PLANTS THROUGH THE MODIFICATION OF THE RIBOSOMAL PROTEIN L3 GENE</b>		

### REQUEST FOR CORRECTION OF INVENTORSHIP

Assistant Commissioner for Patents  
Washington, D.C. 20231

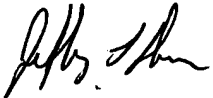
Sir:

Pursuant to the provisions of 37 C.F.R. §1.48(a), Applicants hereby request correction of inventorship in the subject application. Specifically, Applicants request the Commissioner to add JOHN A. SIMMONDS as co-inventor with the already-named inventors of record, Linda J. Harris and Stephen C. Gleddie.

In support of this request, and in accordance with the requirements of 37 C.F.R. §1.48(a), Applicants concurrently submit the following:

- a *Declaration and Power of Attorney* document in compliance with 37 C.F.R. §1.63 signed by all of the inventors;
- a *Statement under 37 C.F.R. §1.48(a)*, signed by the inventor to be added;
- a *Consent of Assignee*, to correct inventorship, signed by an official of Her Majesty The Queen, in the Right of Canada, as Represented by the Minister of Agriculture and Agri-Food, the assignee of the entire interest of the co-inventors in the subject application;
- a *Statement Pursuant to 37 C.F.R. §3.73(b)*, by assignee Her Majesty The Queen, in the Right of Canada, as Represented by the Minister of Agriculture and Agri-Food; with attached copies of assignments from all of the co-inventors;
- a check for the requisite \$130.00 fee.

If any additional payment is required, or any discrepancies in fees are noted, please charge or credit the cost thereof to Deposit Account No. 02-2135. An extra copy of this Request is attached for that purpose.

RESPECTFULLY SUBMITTED,					
<i>Name and Reg. Number</i>	Jeffrey L. Ihnen, Reg. No. 28,957				
<i>Signature</i>				<i>Date</i>	29 April 2003
<i>Address</i>	ROTHWELL, FIGG, ERNST & MANBECK, pc 1425 K Street, N.W., Suite 800				
<i>City</i>	Washington	<i>State</i>	D.C.	<i>Zip Code</i>	20005
<i>Country</i>	U.S.A.	<i>Telephone</i>	202-783-6040	<i>Fax</i>	202-783-6031



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<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	<i>Application Number</i>	09/725,957
	<i>Filing Date</i>	30 November 2000
	<i>First Named Inventor</i>	Linda J. HARRIS
	<i>Group Art Unit</i>	1614
	<i>Examiner Name</i>	D.H. Kruse
	<i>Attorney Docket Number</i>	2315-115
<i>Title of the Invention:</i> <b>TOLERANCE OF TRICHOTHECENE MYCOTOXINS IN PLANTS THROUGH THE MODIFICATION OF THE RIBOSOMAL PROTEIN L3 GENE</b>		

**STATEMENT UNDER 37 C.F.R. § 1.48**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

JOHN A. SIMMONDS hereby states that he is a joint inventor of the invention of the above-identified application filed in the name of Linda J. Harris and Stephen C. Gleddie.

The above application was inadvertently filed omitting the name of JOHN A. SIMMONDS as co-inventor through error and without any deceptive intention on my part.

Date:

6 March 2003

John A. Simmonds  
John A. SIMMONDS



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<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>	<i>Application Number</i>	09/725,957
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	<i>First Named Inventor</i>	Linda J. HARRIS
	<i>Group Art Unit</i>	1614
	<i>Examiner Name</i>	D.H. Kruse
	<i>Attorney Docket Number</i>	2315-115
<i>Title of the Invention:</i> <b>TOLERANCE OF TRICHOTHECENE MYCOTOXINS IN PLANTS THROUGH THE MODIFICATION OF THE RIBOSOMAL PROTEIN L3 GENE</b>		

#### CONSENT OF ASSIGNEE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Her Majesty The Queen, in the Right of Canada, as Represented by the Minister of Agriculture and Agri-Food, assignee of the interest of the rights of John H. Simmonds and of the interest of the rights of Linda J. Harris and Stephen C. Gleddie in the subject matter in the application identified above, through its undersigned authorized officer, hereby consents to correction of the inventorship of the subject application to add John H. Simmonds as co-inventor along with the originally named inventors Linda J. Harris and Stephen C. Gleddie.

Date: March 12 2003

By:

Name:

Bruce Mitchell

Title:

Director General,  
Research Planning and Coordination

<b>FEE TRANSMITTAL</b> <b>for FY 2003</b> <b>(Small Entity)</b>		Complete if Known	
		Application Number	09/725,957
		Filing Date	30 November 2000
		First Named Inventor	Linda J. HARRIS
		Examiner Name	D.H. Kruse
		Group Art Unit	1638
Total Amount of Payment	(\$130.00)	Attorney Docket Number	2315-115

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check

☐ Credit Card

**FEE CALCULATION**
**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
2001	375	Utility filing fee	[ ]
2002	165	Design Filing Fee	[ ]
2003	260	Plant Filing Fee	[ ]
2004	375	Reissue Filing Fee	[ ]
2005	80	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee	Fee Paid
[ ]	[ ]	[ ]	- 20** = [ ] x	\$ 9 = [ ]	[ ]
[ ]	[ ]	[ ]	- 3** = [ ] x	42 = [ ]	[ ]
[ ]	[ ]	[ ]	+ 140 = [ ]		[ ]

\*\*or number previously paid, if greater;


**SUBTOTAL \$**

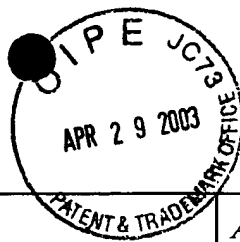
**FEE CALCULATION (continued)**
**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[ ]
2052	25	Surcharge - late provisional filing fee or cover sheet	[ ]
1053	130	Non-English specification	[ ]
1812	2,520	For filing a request for reexamination	[ ]
1804	920	Requesting publication of SIR prior to Examiner action	[ ]
1805	1,840*	Requesting publication of SIR after Examiner action	[ ]
2251	55	Extension for reply within first month	[ ]
2252	205	Extension for reply within second month	[ ]
2253	465	Extension for reply within third month	[ ]
2254	725	Extension for reply within fourth month	[ ]
2255	985	Extension for reply within fifth month	[ ]
2401	160	Notice of Appeal	[ ]
2402	160	Filing a brief in support of an appeal	[ ]
2403	150	Request for Oral Hearing	[ ]
1451	1,510	Petition to institute a public use proceeding	[ ]
2452	55	Petition to revive -unavoidable	[ ]
2453	650	Petition to revive - unintentional	[ ]
2501	650	Utility issue fee (or reissue)	[ ]
2502	235	Design issue fee	[ ]
2503	315	Plant issue fee	[ ]
1460	130	Petitions to the Commissioner	[130.00]
1807	50	Processing fee under 37 CFR 1.17(q)	[ ]
1806	180	Submission of Information Disclosure Statement	[ ]
8021	40	Recording each patent assignment per property (times number of properties)	[ ]
2809	375	Filing a submission after final rejection (37 CFR .129(a))	[ ]
2810	375	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
2801	375	Request for Continued Examination (RCE)	[ ]
1802	900	Request for expedited examination of a design application	[ ]
1504	300	Publication fee for early, voluntary, or normal publication	[ ]
1505	300	Publication fee for republication	[ ]
1455	200	Filing an application for patent term adjustment	[ ]
1456	400	Request for reinstatement of term reduced	[ ]
		Other fee (specify)	[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$130.00**

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Jeffrey L. Ihnen, Reg. No. 28,957				
SIGNATURE		DATE	29 APRIL 2003	DEPOSIT ACCT USER ID	02-2135



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	<i>First Named Inventor</i>	Linda J. HARRIS
	<i>Group Art Unit</i>	1614
	<i>Examiner Name</i>	D.H. Kruse
	<i>Attorney Docket Number</i>	2315-115
<i>Title of the Invention:</i> <b>TOLERANCE OF TRICHOTHECENE MYCOTOXINS IN PLANTS THROUGH THE MODIFICATION OF THE RIBOSOMAL PROTEIN L3 GENE</b>		

**STATEMENT PURSUANT TO 37 CFR 3.73(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Her Majesty The Queen, in the Right of Canada, as Represented by the Minister of Agriculture and Agri-Food, through its undersigned authorized signatory, represents that it is the assignee of the entire interest in the above-identified application with respect to the rights of coinventors John A. Simmonds, Linda J. Harris and Stephen C. Gleddie, and that that an assignment from the coinventor John A. Simmonds is being submitted for recordation, and that an assignment from the coinventors Linda J. Harris and Stephen C. Gleddie was recorded in the U.S. Patent and Trademark Office on 6 June 2001 at Reel No. 012168, Frames 0129-0133. A copy of each of these assignments is attached and has been reviewed by the undersigned authorized signatory of Her Majesty The Queen, in the Right of Canada, as Represented by the Minister of Agriculture and Agri-Food, who certifies that, to the best of the assignee's knowledge and belief, title is in Her Majesty The Queen, in the Right of Canada, as Represented by the Minister of Agriculture and Agri-Food.

Date:

March 12 2003

By:



Name:

Bruce Mitchell

Title:

Director General  
Research Planning and Coordination

04/15/2003 16:08 FAX 202 783 3102

ROTHWELL, FIGG, ERNST &amp; MANB

002

**ASSIGNMENT**

WHEREAS, I, John A. SIMMONDS, a citizen of Canada, residing at 130 Amberwood Crescent, Ottawa, Ontario, Canada K2E 7H8 (hereinafter referred to as "Assignor"), am an inventor, along with Linda J. Harris and Stephen C. Gladde, of an invention in TOLERANCE OF TRICOTHECENE MYCOTOXINS IN PLANTS THROUGH THE MODIFICATION OF THE RIBOSOMAL PROTEIN L3 GENE, for which I have executed an application for Letters Patent of the United States, serial number 09/725,957, filed 30 November 2000; and

WHEREAS, HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as Represented by the Minister of Agriculture and Agri-Food, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I the said Assignor have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said invention in any country or countries foreign to the United States, and all Letters Patent which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof and all rights of priority in any such country or countries based upon the filing of the said application for Letters Patent of the United States which are created by any law, treaty or international convention; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey my entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to said Assignee, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my signature.

Date 24 April 2003

John A. Simmonds L.S.  
John A. SIMMONDS

**COPY**

**ASSIGNMENT**

WHEREAS, WE, Linda J. HARRIS, a citizen of Canada, residing at 6495 Wheatfield Crescent, Greely, Ontario, Canada K4P 1E8 and Stephen C. GLEDDIE, a citizen of Canada, residing at 33 Leonard Avenue, Ottawa, Ontario, Canada K1S 4T8 (hereinafter collectively referred to as "Assignors"), are the inventors of an invention in TOLERANCE OF TRICHOHECENE MYCOTOXINS IN PLANTS THROUGH THE MODIFICATION OF THE RIBOSOMAL L3 GENE, for which we have executed an application for Letters Patent of the United States, serial number 09/725,957, filed 30 November 2000; and

WHEREAS, HER MAJESTY THE QUEEN, IN RIGHT OF CANADA, AS REPRESENTED BY THE MINISTER OF AGRICULTURE AND AGRI-FOOD CANADA, both of Canada (hereinafter "Assignee"), is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we the said Assignors have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said invention in any country or countries foreign to the United States, and all Letters Patent which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof and all rights of priority in any such country or countries based upon the filing of the said application for Letters Patent of the United States which are created by any law, treaty or international convention; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to said Assignee, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

IN TESTIMONY WHEREOF, we hereunto set our hands and seals the day and year set opposite our respective signatures.

Date May 3, 2001 2001 Linda J. Harris L.S.  
Linda J. HARRIS

Date May 3 2001 Stephen C. Gleddie L.S.  
Stephen C. GLEDDIE

COPY